

## UNITED STATES DISTRICT COURT

Southern District of Texas

FILED

for the

February 20, 2025

Southern District of Texas

Nathan Ochsner, Clerk of Court

United States of America  
v.

Case No. 1:25-MJ-158-01

Elger Fabricio Cotto Navarro

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 3, 2025 in the county of Cameron in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S. Code § 1001

Elger Fabricio Cotto Navarro did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, namely the United States Department of Health and Human Services by intentionally and willfully stating that he was a minor, when in truth and fact he is an adult.

This criminal complaint is based on these facts:

Elger Fabricio Cotto Navarro was encountered by Border Patrol near Roma, Texas, on February 2, 2025. Subsequently the Defendant was placed in the care of DHHS Office of Refugee Resettlement. The Defendant identified himself as a minor with initials E.F.C.N. and date of birth in May of 2007. In DHHS custody the defendant made oral and written statements, claiming to be a minor. The Defendant confessed to making false written and oral statements.

☒ Continued on the attached sheet.David Shockley  
Complainant's signature

David Shockley, Special Agent

Printed name and title

☐ Sworn to before me and signed in my presence.☒ Sworn to telephonically and signed  
electronically pursuant to Fed.R.Crim4.1.

Date: February 20, 2025

Karen Betancourt  
Judge's signature

City and state: Brownsville, Texas

Karen Betancourt, U.S. Magistrate Judge

Printed name and title

United States  
V.  
Elger Frabricio Cotto Navarro

Attachment A  
Affidavit

Case No. 1:25-MJ-158-01

Criminal Complaint Continuation:

Elger Fabricio Cotto Navarro was encountered by Border Patrol near Roma, Texas, on February 2, 2025. On February 3, 2025, The Defendant was subsequently placed in the custody of DHHS and transported to Compass Connections, Harlingen, TX. Compass Connections is a DHHS funded facility charged with the housing and needs of unaccompanied alien children (UAC). By law, DHHS has custody and must provide care for each UAC, defined as a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody. See 6 U.S.C. § 279(g)(2). The Defendant identified himself as a minor with the initials E.F.C.N. and date of birth in May of 2007 to Compass Connections Case Manager Claudia Gomez. While in the custody of DHHS, it was determined Navarro is an adult posing as a minor when the consulate provided an authenticate birth certificate for Navarro. Navarro refuted the claim and made a written statement claiming to be a minor to Case Manager Claudia Gomez.

On February 18, 2025, Elger Fabricio Cotto Navarro was provided with a Miranda warning, acknowledged understanding his rights, and agreed to provide a statement.

Elger Fabricio Cotto Navarro admitted being an adult and providing an incorrect date of birth. Navarro stated he was born in May of 2006. He admitted the written statements attesting he is a minor while in the custody of DHHS were false. Documents provided to DHHS which facilitated Elger Fabricio Cotto Navarro posing as a minor were fraudulent and for the purpose of being released into the United States.

The Defendant is in fact an adult, 18 years of age.

*David Shockley*  
Complainant's signature

David Shockley, Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to,  
Signature attested telephonically per Fed. R. Crim. P.4.1, on:

Date: February 20, 2025

City and state: Brownsville, Texas

*Karen Betancourt*

Judge's signature

Karen Betancourt, U.S. Magistrate Judge

Printed name and title